

**BOIES SCHILLER FLEXNER LLP**

David Boies (admitted pro hac vice)  
333 Main Street  
Armonk, NY 10504  
Tel.: (914) 749-8200  
dboies@bsfllp.com

Mark C. Mao, CA Bar No. 236165  
Beko Reblitz-Richardson, CA Bar No.  
238027  
44 Montgomery St., 41st Floor  
San Francisco, CA 94104  
Tel.: (415) 293-6800  
mmao@bsfllp.com  
brichardson@bsfllp.com

James Lee (admitted pro hac vice)  
Rossana Baeza (admitted pro hac vice)  
100 SE 2nd St., 28th Floor  
Miami, FL 33131  
Tel.: (305) 539-8400  
jlee@bsfllp.com  
rbaeza@bsfllp.com

Alison L. Anderson, CA Bar No. 275334  
M. Logan Wright, CA Bar No. 349004  
725 S Figueroa St., 31st Floor  
Los Angeles, CA 90017  
Tel.: (213) 995-5720  
alanderson@bsfllp.com  
mwright@bsfllp.com

**SUSMAN GODFREY L.L.P.**

Bill Carmody (admitted pro hac vice)  
Shawn J. Rabin (admitted pro hac vice)  
Steven M. Shepard (admitted pro hac vice)  
Alexander Frawley (admitted pro hac vice)  
Ryan Sila (admitted pro hac vice)  
One Manhattan West, 50<sup>th</sup> Floor  
New York, NY 10001  
Tel.: (212) 336-8330  
bcarmody@susmangodfrey.com  
srabin@susmangodfrey.com  
sshepard@susmangodfrey.com  
afrawley@susmangodfrey.com  
rsila@susmangodfrey.com

Amanda K. Bonn, CA Bar No. 270891  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067  
Tel.: (310) 789-3100  
abonn@susmangodfrey.com

**MORGAN & MORGAN**

John A. Yanchunis (admitted pro hac vice)  
Ryan J. McGee (admitted pro hac vice)  
Michael F. Ram, CA Bar No. 104805  
201 N Franklin Street, 7th Floor  
Tampa, FL 33602  
Tel.: (813) 223-5505  
jyanchunis@forthepeople.com  
rmcgee@forthepeople.com  
mram@forthepeople.com

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,  
JULIAN SANTIAGO, and SUSAN LYNN  
HARVEY individually and on behalf of all  
other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**DECLARATION OF MARK MAO IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO GOOGLE'S MOTION  
FOR SUMMARY JUDGMENT**

Judge: Hon. Richard Seeborg  
Courtroom 3 – 17th Floor  
Date: July 25, 2024  
Time: 1:30 P.M.

**DECLARATION OF MARK MAO**

I, Mark Mao, declare as follows.

1. I am a partner with the law firm of Boies Schiller Flexner LLP (“BSF”), counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of California. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Declaration in support of Plaintiffs’ opposition to Google’s motion for summary judgment.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a document Google produced in discovery labeled GOOG-RDGZ-00149701.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a document Google produced in discovery labeled GOOG-RDGZ-00024709.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a document Google produced in discovery labeled GOOG-RDGZ-00151992.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the Expert Report of Plaintiffs’ technical expert Jonathan Hochman, dated March 22, 2023. A full copy of Mr. Hochman’s report is available at Dkt. 314-5.

7. Attached hereto as **Exhibit 5** is a true and correct excerpt of Google’s Supplemental Responses to Plaintiffs’ Interrogatories, Set One, dated November 5, 2021.

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition transcript of Google Senior Director of Product Management Eric Miraglia, taken October 25, 2022.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from Google’s Second Supplemental Responses and Objections to Plaintiffs’ Interrogatories, Set Three, dated April 28, 2023, as well as true and correct copies of various bates-stamped versions of the WAA Help Page, which are referenced in the Interrogatory Response.

1           10. Attached hereto as **Exhibit 8** is a true and correct copy of Google's Privacy Policy  
2 effective May 25, 2018.

3           11. Attached hereto as **Exhibit 9** is a true and correct copy of Google's Privacy Policy  
4 effective January 22, 2019.

5           12. Attached hereto as **Exhibit 10** is a true and correct copy of Google's Privacy Policy  
6 effective October 15, 2019.

7           13. Attached hereto as **Exhibit 11** is a true and correct copy of Google's Privacy Policy  
8 effective December 19, 2019.

9           14. Attached hereto as **Exhibit 12** is a true and correct copy of Google's Privacy Policy  
10 effective March 31, 2020.

11           15. Attached hereto as **Exhibit 13** is a true and correct copy of Google's Privacy Policy  
12 effective July 1, 2020.

13           16. Attached hereto as **Exhibit 14** is a true and correct copy of Google's Privacy Policy  
14 effective August 28, 2020.

15           17. Attached hereto as **Exhibit 15** is a true and correct copy of Google's Privacy Policy  
16 effective September 30, 2020.

17           18. Attached hereto as **Exhibit 16** is a true and correct copy of Google's Privacy Policy  
18 effective February 4, 2021.

19           19. Attached hereto as **Exhibit 17** is a true and correct copy of Google's Privacy Policy  
20 effective July 1, 2021.

21           20. Attached hereto as **Exhibit 18** is a true and correct copy of Google's Privacy Policy  
22 effective February 10, 2022.

23           21. Attached hereto as **Exhibit 19** is a true and correct copy of Google's Privacy Policy  
24 effective October 4, 2022.

25           22. Attached hereto as **Exhibit 20** is a true and correct copy of Google's Privacy Policy  
26 effective December 15, 2022.

23. Attached hereto as **Exhibit 21** is a true and correct copy of Google's Privacy Policy effective July 1, 2023.

24. Attached hereto as **Exhibit 22** is a true and correct copy of Google's Privacy Policy effective October 4, 2023.

25. Attached hereto as **Exhibit 23** is a true and correct copy of Google's Privacy Policy effective November 15, 2023.

26. Attached hereto as **Exhibit 24** is a true and correct copy of Google's Privacy Policy effective January 15, 2024.

27. Attached hereto as **Exhibit 25** is a true and correct copy of Google's Privacy Policy effective February 8, 2024.

28. Attached hereto as **Exhibit 26** is a true and correct copy of Google's Privacy Policy effective June 28, 2016.

29. Attached hereto as **Exhibit 27** is a true and correct copy of Google's Privacy Policy effective August 29, 2016.

30. Attached hereto as **Exhibit 28** is a true and correct copy of Google's Privacy Policy effective March 1, 2017.

31. Attached hereto as **Exhibit 29** is a true and correct copy of Google's Privacy Policy effective April 17, 2017.

32. Attached hereto as **Exhibit 30** is a true and correct copy of Google's Privacy Policy effective October 2, 2017.

33. Attached hereto as **Exhibit 31** is a true and correct copy of Google's Privacy Policy effective December 18, 2017.

34. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts from the deposition transcript of Google's expert Donna Hoffman, taken July 11, 2023.

35. Attached hereto as **Exhibit 33** is a true and correct copy of a document Google produced in discovery labeled GOOG-RDGZ-00210316.

1           36. Attached hereto as **Exhibit 34** is a true and correct copy of a document Google  
2 produced in discovery labeled GOOG-RDGZ-00033245.

3           37. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts from the  
4 deposition transcript of former Google Senior Software Engineer Blake Lemoine, taken as part of  
5 litigation in *Brown v. Google*, 20-cv-3664 (N.D. Cal.) on December 21, 2023. The deposition taken  
6 in *Brown* was not marked confidential or highly confidential by Google. Plaintiffs disclosed Mr.  
7 Lemoine as a witness in this case on October 4, 2023, after Mr. Lemoine contacted Plaintiffs’  
8 counsel. Plaintiffs have requested the production of Mr. Lemoine’s documents and have offered  
9 him for deposition in this case, but Google has refused. Mr. Lemoine’s deposition in *Brown*  
10 reflects the testimony he would give if called to testify in this case.

11           38. Attached hereto as **Exhibit 36** is a true and correct copy of an enlarged version of  
12 Google disclosures, as depicted on page 4 of Plaintiffs’ opposition brief.

13           39. Attached hereto as **Exhibit 37** is a true and correct copy of correspondences  
14 between counsel for Plaintiffs and Google in this case dated November 8, 2022.

15           40. Attached hereto as **Exhibit 38** is a true and correct copy of a document Google  
16 produced in discovery labeled GOOG-RDGZ-00020556.

17           41. Attached hereto as **Exhibit 39** is a true and correct copy of Google’s “Activity  
18 Controls” page.

19           42. Attached hereto as **Exhibit 40** is a true and correct copy of a document Google  
20 produced in discovery labeled GOOG-RDGZ-00208190.

21           43. Attached hereto as **Exhibit 41** is a true and correct copy of a document Google  
22 produced in discovery labeled GOOG-RDGZ-00043294.R.

23           44. Attached hereto as **Exhibit 42** is a true and correct copy of Exhibit 15 used during  
24 the deposition of Google’s expert Donna Hoffman, taken July 11, 2023. This deposition exhibit is  
25 a copy of the Google Privacy Policy, effective December 15, 2022.

1           45. Attached hereto as **Exhibit 43** is a true and correct copy of excerpts from the  
2 deposition transcript of Plaintiffs' technical expert Jonathan Hochman, taken June 26, 2023.

3           46. Attached hereto as **Exhibit 44** is a true and correct copy of a document Google  
4 produced in discovery labeled GOOG-RDGZ-00030007.R.

5           47. Attached hereto as **Exhibit 45** is a true and correct copy of a document Google  
6 produced in discovery labeled GOOG-RDGZ-00029866.

7           48. Attached hereto as **Exhibit 46** is a true and correct copy of excerpts from a  
8 document Google produced in discovery labeled GOOG-RDGZ-00060716.

9           49. Attached hereto as **Exhibit 47** is a true and correct copy of excerpts from the Expert  
10 Report of Plaintiffs' privacy expert Bruce Schneier, dated February 20, 2023. A full copy of  
11 Professor Schneier's report is available at Dkt. 314-6.

12           50. Attached hereto as **Exhibit 48** is a true and correct copy of a Google article titled  
13 "How our display buying platforms share revenue with publishers", dated June 23, 2020, available  
14 here: <https://blog.google/products/admanager/display-buying-share-revenue-publishers/>.

15           51. Attached hereto as **Exhibit 49** is a true and correct copy of a document Google  
16 produced in discovery labeled GOOG-RDGZ-00188469.

17           52. Attached hereto as **Exhibit 50** is a true and correct copy of excerpts from the Expert  
18 Report of Plaintiffs' damages expert Michael Lasinski, dated February 20, 2023. A full copy of  
19 Mr. Lasinski's report is available at Dkt. 314-7.

20           53. Attached hereto as **Exhibit 51** is a true and correct copy of excerpts from Google's  
21 Supplemental Response to Plaintiffs' Interrogatory No. 14, Set Six, dated March 30, 2023.

22           54. Attached hereto as **Exhibit 52** is a true and correct copy of excerpts from the  
23 deposition transcript of Class Representative Julian Santiago, taken March 7, 2022.

24           55. Attached hereto as **Exhibit 53** is a true and correct copy of excerpts from the  
25 deposition transcript of Class Representative Sal Cataldo, taken February 17, 2022.

1           56. Attached hereto as **Exhibit 54** is a true and correct copy of excerpts from the  
2 deposition transcript of Class Representative Susan Lynn Harvey, taken October 27, 2022.

3           57. Attached hereto as **Exhibit 55** is a true and correct copy of excerpts from the  
4 deposition transcript of Class Representative Anibal Rodriguez, taken October 16, 2022.

5           58. Attached hereto as **Exhibit 56** is a true and correct copy of a document Google  
6 produced in discovery labeled GOOG-RDGZ-00181440.

7           59. Attached hereto as **Exhibit 57** is a true and correct copy of excerpts from the  
8 deposition transcript of Google Software Engineer Christopher Ruemmler, taken September 9,  
9 2022.

10          60. Attached hereto as **Exhibit 58** is a true and correct copy of a document Google  
11 produced in discovery labeled GOOG-RDGZ-00130381.

12          61. Attached hereto as **Exhibit 59** is a true and correct copy of a document Google  
13 produced in discovery labeled GOOG-RDGZ-00130745.

14          62. Attached hereto as **Exhibit 60** is a true and correct copy of a document Google  
15 produced in discovery labeled GOOG-RDGZ-00144760.

16          63. Attached hereto as **Exhibit 61** is a true and correct copy of a document Google  
17 produced in discovery labeled GOOG-RDGZ-00039114.

18          64. Attached hereto as **Exhibit 62** is a true and correct copy of a document Google  
19 produced in discovery labeled GOOG-RDGZ-00087964.

20          65. Attached hereto as **Exhibit 63** is a true and correct copy of a document Google  
21 produced in discovery labeled GOOG-RDGZ-00025811.

22          66. Attached hereto as **Exhibit 64** is a true and correct copy of a document Google  
23 produced in discovery labeled GOOG-RDGZ-00044478.R.

24          67. Attached hereto as **Exhibit 65** is a true and correct copy of a document Google  
25 produced in discovery labeled GOOG-RDGZ-00203679.

1           68. Attached hereto as **Exhibit 66** is a true and correct copy of a document Google  
2 produced in discovery labeled GOOG-RDGZ-00020692.

3           69. Attached hereto as **Exhibit 67** is a true and correct copy of a document Google  
4 produced in discovery labeled GOOG-RDGZ-00021160.

5           70. Attached hereto as **Exhibit 68** is a true and correct copy of excerpts from a  
6 document Google produced in discovery labeled GOOG-RDGZ-00151484.

7           71. Attached hereto as **Exhibit 69** is a true and correct copy of a document Google  
8 produced in discovery labeled GOOG-RDGZ-00090236.

9           72. Attached hereto as **Exhibit 70** is a true and correct copy of a document Google  
10 produced in discovery labeled GOOG-RDGZ-00173562.

11           73. Attached hereto as **Exhibit 71** is a true and correct copy of a document Google  
12 produced in discovery labeled GOOG-RDGZ-00117318.

13           74. Attached hereto as **Exhibit 72** is a true and correct copy of excerpts from the  
14 deposition transcript of Google Product Manager David Monsees, taken September 15, 2022.

15           75. Attached hereto as **Exhibit 73** is a true and correct copy of excerpts from Google's  
16 Responses to Plaintiffs' Requests for Admission 1, Set One, dated November 25, 2020.

17           76. Attached hereto as **Exhibit 74** is a true and correct copy of excerpts from the  
18 deposition transcript of Google's expert Anindya Ghose, taken July 13, 2023.

19           77. Attached hereto as **Exhibit 75** is a true and correct copy of excerpts from the  
20 deposition transcript of Google's expert Christopher Knittel, taken July 11, 2023.

21           78. Attached hereto as **Exhibit 76** is a true and correct copy of excerpts from the  
22 deposition transcript of a Google Rule 30(b)(6) designee and Group Product Manager for Google  
23 Analytics, Steve Ganem, taken October 28, 2022.

24           79. Attached hereto as **Exhibit 77** is a true and correct copy of a document Google  
25 produced in discovery labeled GOOG-RDGZ-00092072.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 2nd day of May 2024, at San Francisco, California.

---

---

*/s/ Mark Mao*